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8 Attorney for Plaintiff Scott Phillips

9  
10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE DISTRICT OF ARIZONA  
12

13 Scott Phillips,

14 Plaintiff

15 vs.

16 Marko Law PLLC, an Arizona  
17 professional limited liability  
18 company; Edward J. Marko and Jane  
19 Doe Marko, husband and wife; Does  
20 I-X,

21 Defendants

No.

**VERIFIED COMPLAINT**

**JURY TRIAL DEMANDED**

22 Plaintiff alleges as follows:

23 **PRELIMINARY STATEMENT**

24 1. This action arises under the Federal Fair Debt Collection Practices Act, 15  
25 U.S.C. § 1692, *et seq.* (the “**FDCPA**”). In enacting the FDCPA, Congress found that debt  
26 collectors’ use of abusive, deceptive, and unfair debt collection practices contributed to  
27 personal bankruptcies, marital instability, the loss of jobs, and invasions of individual privacy.  
See 15 U.S.C. § 1692(a). Congress further found that existing laws and procedures for  
redressing these injuries were inadequate to protect consumers. See 15 U.S.C. § 1692(b). the  
purpose of the FDCPA was to eliminate abusive debt collection practices by debt collectors,  
to ensure that those debt collectors who refrain from using abusive debt collection practices

1 are not competitively disadvantaged, and to promote consistent State action to protect  
2 consumers against debt collection abuses.

3       2. In October 2012, the United States Bureau of Consumer Financial Protection  
4 (the “CFPB”) found that debt collection is a multi-billion-dollar industry that directly affects  
5 many consumers. The CFPB found that in 2012, approximately 30 million individuals had  
6 debt subject to the collections process. The CFPB further found that by collecting consumer  
7 debt, collectors reduce creditors’ losses from non-repayment and thereby help to keep credit  
8 accessible and more affordable to consumers. However, the CFPB found that illegal debt  
9 collection causes consumers substantial harm. If collectors falsely represent amounts owed,  
10 consumers may pay debts they do not owe to stop collection efforts because they are unsure  
11 how much they owe or cannot afford to pay an attorney to assist in their defense. In addition,  
12 consumers may unintentionally yield their rights by waiving the statute of limitations on debt  
13 claims for which the relevant limit periods have expired. Unlawful collection practices can  
14 cause significant reputational damage, invade personal privacy, and inflict emotional distress.  
15 Among the possible consequences, a collector’s inappropriate interference with a consumer’s  
16 employment relationships can also impair the consumer’s ability to repay debts. *See Rules*  
17 *and Regulations of the Bureau of Consumer Financial Protection, Summary of the Final Rule.*  
18 *12 CFR Part 1090.*

19       3. Of interesting note, the CFPB found that Federal consumer financial law  
20 promotes fair competition in the debt collection marketplace. To the extent that unfair,  
21 deceptive, or abusive practices increase collectors’ recovery rate, debt collectors that avoid  
22 such practices could be at a competitive disadvantage. By placing important parameters on  
23 debt collection activities, the FDCPA helps to ensure that those who refrain from improper  
24 practices in debt collection are not thereby competitively disadvantaged. *See Footnote 26 to*  
25 *Rules and Regulations of the Bureau of Consumer Financial Protection, Summary of the*  
26 *Final Rule. 12 CFR Part 1090*

**JURISDICTION & VENUE**

4. Jurisdiction of this Court arises under 28 U.S.C. § 1331, 28 U.S.C. § 1337 and pursuant to 15 U.S.C. § 1692k(d).

5. This action arises from Defendants’ violations of the FDCPA.

6. Venue is proper in this District because the acts and transactions occurred here, Plaintiff resides here, and Defendants transact business here.

**PARTIES**

7. Plaintiff is a natural person who resides in the City of Glendale, County of Maricopa, State of Arizona, and is a “consumer” as that term is defined under 15 U.S.C. § 1692a(3).

8. Defendant Marko Law PLLC is an Arizona professional limited liability company and a collection agency of consumer debts operating in the City of Phoenix, County of Maricopa, State of Arizona (“**Marko Law**”).

9. Defendant Edward J. Marko (“**Mr. Marko**”) is a natural person employed by Marko Law as a debt collector at all times relevant herein.

10. Defendants are engaged in the collection of debts from consumers. Defendants regularly attempt to collect consumer debts alleged to be due to another. Defendants are “debt collectors” as defined by the FDCPA, 15 U.S.C. § 1692a(6).

11. Defendants Does I-X are persons, corporations, or other legal entities whose true names are unknown to Plaintiff, but Plaintiff believes and alleges that they caused and/or contributed to the events complained of herein. At such time as the identity of these Defendants becomes known, Plaintiff will seek leave to amend this Complaint to identify them as same. Such a person may include the Marko Law employee Plaintiff spoke to on January 10, 2023, as explained below.

**FACTUAL ALLEGATIONS**

12. On November 14, 2022, Marko Law filed a complaint (the “**Debt Collection Complaint**”) against Plaintiff individually and others to collect a consumer debt on behalf of

1 Marko Law's client Environmental Conditioning LLC, doing business as Parker and Sons  
2 (**"Parker and Sons"**).

3 13. Mr. Marko supervised and caused the Debt Collection Complaint's preparation,  
4 signature, and filing.

5 14. The Debt Collection Complaint named as defendants Plaintiff and his spouse,  
6 Jamie Phillips and her spouse, and the "Rock Solid Trust".

7 15. The Debt Collection Complaint wrongfully alleged that Plaintiff agreed to pay  
8 Parker and Sons for and accepted consumer goods and installation services that benefited real  
9 property at 4529 W. Parkview Lane, Glendale, AZ 85310 (the **"Residential Property"**).

10 16. Plaintiff never verbally agreed or executed any written agreement with Parker  
11 and Sons for any goods or services, either individually or on behalf of any trust or other entity.

12 17. Plaintiff neither owned, controlled, nor occupied the Residential Property for  
13 which Parker and Sons purportedly provided goods and services.

14 18. The Debt Collection Complaint named a fictitious "Jane Doe Phillips" as a co-  
15 defendant and alleged that Plaintiff and Jane Doe Phillips were husband and wife.

16 19. Nothing in the Debt Collection Complaint alleged that Plaintiff was the spouse  
17 of any named co-defendant other than "Jane Doe Phillips".

18 20. When Plaintiff was named and served the Debt Collection Complaint, he  
19 suffered from cancer and was actively seeking radiation treatment.

20 21. After receiving the Debt Collection Complaint, Plaintiff called Marko Law on  
21 or about January 10, 2023, and spoke to a firm employee (the **"January 10 Call"**).

22 22. During the January 10 Call, Plaintiff represented to the Marko Law employee  
23 that he did not incur the alleged debt that was the subject of the Debt Collection Complaint.

24 23. During the January 10 Call, Plaintiff also represented to the Marko Law  
25 employee that Plaintiff had been previously divorced from Jamie Phillips, another co-  
26 defendant named in the Debt Collection Complaint.

27

1           24. During the January 10 Call, the Marko Law employee explained that Plaintiff  
2 was named in the Debt Collection Complaint because he was on the deed of the Residential  
3 Property.

4           25. During the January 10 Call, Plaintiff explained to the Marko Law employee that  
5 he did not own the Residential Property.

6           26. During the January 10 Call, Plaintiff represented to the Marko Law employee  
7 that he had nothing to do with the “Rock Solid Trust”, another co-defendant named in the  
8 Debt Collection Complaint.

9           27. Marko Law did not dismiss Scott Phillips from the Debt Collection Complaint  
10 after the January 10 Call.

11           28. When Marko Law failed to dismiss Scott Phillips from the Debt Collection  
12 Complaint after the January 10 Call, Scott Phillips retained undersigned counsel to assist in  
13 his dismissal from the Debt Collection Complaint.

14           29. To avoid Plaintiff incurring attorney fees and other damages, undersigned  
15 counsel called Marko Law on or about January 11, 2023, and spoke to a Marko Law  
16 employee, requesting that Mr. Marko return his call about the Debt Collection Complaint that  
17 wrongfully named Plaintiff as a defendant. Mr. Marko failed to return undersigned counsel’s  
18 phone call.

19           30. On or about January 12, 2023, undersigned counsel left another message for  
20 Mr. Marko, again attempting to resolve the mistake so that Plaintiff would not incur attorney  
21 fees or other damages. Mr. Marko again failed to return the call.

22           31. On or about January 13, 2023, undersigned counsel called Marko Law and  
23 spoke to an employee. Undersigned counsel again requested that Mr. Marko return his call,  
24 reiterating to the Marko Law employee that Plaintiff had wrongfully been named in the Debt  
25 Collection Complaint, which was an FDCPA violation. Once again, Mr. Marko failed to  
26 return the call.

27





**VERIFICATION OF COMPLAINT AND DECLARATION**

I, Scott Phillips, declare under penalty of perjury that the following facts are true and correct to the best of my knowledge, information and belief:

1. I am the Plaintiff in this civil proceeding against the Defendants named in this Complaint.

2. I have read the above-entitled civil Complaint prepared by my attorney and believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.

3. I believe this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.

4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant, cause unnecessary delay to any Defendant, or create a needless increase in the cost of litigation to any Defendant, named in the Complaint.

5. I file this civil Complaint in good faith and solely for the purposes set forth in it.

A handwritten signature in black ink, appearing to read 'Scott Phillips', is written over a horizontal line.

SCOTT PHILLIPS